

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the matter of)	
)	
Request for Extension of Time to)	
Construct Digital Facilities)	File No. BEPCDT-20020301ADH
KGBT-DT, Harlingen, Texas)	ID No. 34457
)	

MEMORANDUM OPINION AND ORDER

Adopted: September 10, 2002

Released: September 16, 2002

By the Chief, Media Bureau:

1. The Media Bureau (the "Bureau") has before it a petition filed by LibCo, Inc. ("LibCo") seeking reconsideration of the Bureau's June 3, 2002, letter denying its request for an extension of time to construct the digital facilities for KGBT-DT and admonishing LibCo for failing to meet the May 1, 2002, construction deadline for DTV facilities. For the reasons stated below, we deny the petition.

2. In its petition, LibCo argues that the Bureau erred in concluding that LibCo's showing contained no reasonable plan or projected date by which any DTV facility might be constructed or placed in operation. LibCo contends that it had specific objectives and plans to implement its DTV conversion, which it claims to have outlined and supported in its request for extension. Review of its petition and extension request casts doubt on the cogency of those plans. LibCo states that it has been attempting to "unravel the administrative and legal complexities" associated with its tower since 1998. According to LibCo, this has delayed its attempts to have its tower studied for digital use. LibCo states that it finally awarded a contract on July 1, 2002 for a structural study of the tower. LibCo asserts that it will decide whether to implement a low-power or full-power DTV operation based on that study. LibCo contends that it will be on the air by December 1, 2002 if it goes forward with a low-power and operation and by February 1, 2003 if it goes forward with a full power operation. These dates do not appear to be reliable, however, because LibCo's petition indicates that it could not even commit to choose between the two options before September 2002. Although LibCo does include a "Construction Report and Action Plan" in its petition, elsewhere in its petition it states that "under present circumstances, the specification of a detailed timeline would be merely guesswork." Requests for extensions of time to construct a facility cannot be grounded in guesswork, but must be supported by reasonable projections which rely on known facts. Based on the representations in LibCo's petition and its extension request, therefore, the Bureau's original conclusions were justified.

3. ACCORDINGLY, IT IS ORDERED, THAT the petition filed by LibCo, Inc. seeking reconsideration of the Bureau's June 3, 2002, letter denying its request for an extension of time to construct the digital facilities for KGBT-DT and admonishing LibCo for failing to meet the May 1, 2002, construction deadline for DTV facilities IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

W. Kenneth Ferree

Chief, Media Bureau